

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FILED
MICHAEL H. WATSON
CLERK OF COURT
2020 FEB 27 PM 5:03

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

**Plain Local School District
Board of Education,**

Plaintiff,

Case No. 2:19-cv-5086

v.

Judge Michael H. Watson

Mike DeWine, et al.,

Magistrate Judge Vascura

Defendants.

AGREED ORDER

Plain Local School District Board of Education ("Plaintiff") challenges as unconstitutional Ohio Revised Code § 3311.242, which permits the transfer of territory from one school district to another school district under certain circumstances. As part of that challenge, Plaintiff moves for a temporary restraining order ("TRO"). Specifically, Plaintiff asks the Court to prevent Defendants Samuel J. Ferruccio, Jr., Frank C. Braden, William S. Cline, and Dimitrios Pousoulides, all members of the Stark County Board of Elections, from placing two school-district-transfer requests on the March 17, 2020, ballot. Plaintiff also asks the Court to enjoin Defendants Paolo DeMaria, Superintendent of Public Instruction and Secretary of the State Board of Education of Ohio, and Laura Kohler, Charlotte McGuire, Linda Haycock, Kirsten Hill, Jenny Kilgore, Lisa Woods, Antoinette Miranda, Sarah Fowler, John Hagan, Stephanie Dodd, Nick Owens, Meryl Johnson, Eric Poklar, Cindy Collins, Mark Lamoncha, Martha

Manchester, Mike Toal, Steve Dackin, and Reginald Wilkinson, members of the State Board of Education of Ohio, from further enforcing, implementing, or acting pursuant to Ohio Revised Code § 3311.242, should the proposals win majority support in the election.

The Court held a hearing on Plaintiff's TRO motion on February 25, 2020.

During the hearing, all parties agreed to the following course of action:

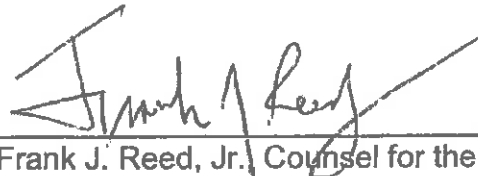
- The Court will not enjoin the proposals from appearing on the ballots for the March 17, 2020, election;
- If the proposals are approved by at least a majority of the electors voting on them, the Plain Local Board of Education shall notify the State Board of Education of Ohio of the result of the vote, pursuant to Ohio Revised Code § 3311.242(E)(1);
- If the proposals are approved by at least a majority of the electors voting on them, no Defendants shall take any further action under Ohio Revised Code § 3311.242 with respect to the proposed transfers until the Court issues a ruling on Plaintiff's converted request for a preliminary and permanent injunction;
- After the March 17, 2020, election, Plaintiff will move to voluntarily dismiss as Defendants the members of the Stark County Board of Elections;
- The previously scheduled Preliminary Injunction hearing is converted to a hearing on Plaintiff's request for a preliminary and permanent injunction, pursuant to Federal Rule of Civil Procedure 65(a)(2), and is rescheduled for May 4, 2020, at 10:00 a.m.;
- Should the Court rule in Defendants' favor on the merits, the Court will issue a ruling in a timely manner so as not to preclude a transfer for the 2020–2021 school year.

IT IS SO ORDERED.

A handwritten signature in blue ink, reading "Michael H. Watson".

MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT

Amanda Martinsek, Counsel for Plaintiffs

A handwritten signature in black ink, reading "Frank J. Reed, Jr.". The signature is stylized with a large "F" and "R".

Frank J. Reed, Jr., Counsel for the State
Superintendent and members of the State
Board of Education

Stephan P. Babik, Counsel for the Stark
County Board of Elections Defendants

A handwritten signature in black ink, reading "Scott M. Zurakowski".

Scott M. Zurakowski, Counsel for the
Village of Hills and Dales

IT IS SO ORDERED.

**MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT**



Amanda Martinsek, Counsel for Plaintiffs

**Frank J. Reed, Jr., Counsel for the State
Superintendent and members of the State
Board of Education**



**Stephan P.
Babik**

**Stephan P. Babik, Counsel for the Stark
County Board of Elections Defendants**

**Scott M. Zurakowski, Counsel for the
Village of Hills and Dales**